

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:15-CR-37-1
)	
IAN JASMIN,)	
)	
Defendant.)	

MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

NOW COMES the United States of America, by its attorney, Eric S. Miller, United States Attorney for the District of Vermont, and moves this Court to exclude time from the Speedy Trial Act from October 1, 2016 to the date of trial. The Speedy Trial Act timeline is currently tolled through September 30, 2016 at the defendant's request. The Court has scheduled the jury draw for November 9, 2016 and the trial to commence on November 15, 2016, consistent with the parties' request. The parties submit that this request and the resulting exclusion of time under the Speedy Trial Act is necessary under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) because the ends of justice by taking this action outweigh the best interest of the public and the defendant in a speedy trial. The undersigned has spoken with the defense counsel who has agreed to this exclusion under the Speedy Trial Act.

Among other things, failure to allow such additional time would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. In this case, the defendant's former counsel, Karen Shingler, withdrew from representing the defendant at the defendant's request on May 23, 2016. New counsel, Robert Katims, was appointed on May 25, 2016. In addition to needing adequate time to prepare

for trial in a case involving over 3,000 jail calls, among other evidence, the defense counsel is already committed to be in another trial beginning in mid-October 2016 and continuing through November 2, 2016, when this case would otherwise be scheduled.¹ Similarly, the government's lead case agent is scheduled to be in another federal trial commencing October 8, 2016.

For all of these reasons, the United States respectfully requests that the Court exclude time from the Speedy Trial Act from October 1, 2016 to the date of trial on November 15, 2016 in accordance with 18 U.S.C. § 3161(h)(7)(A).

Dated at Burlington, in the District of Vermont, on August 18, 2016.

Respectfully submitted,

UNITED STATES OF AMERICA

ERIC S. MILLER
United States Attorney

By: /s/ Heather E. Ross
HEATHER E. ROSS
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¹ The Government's Motion Requesting a Date Certain for Trial indicated that the Speedy Trial clock would expire on November 16, 2016. In reviewing the Speedy Trial clock calculations yesterday, the undersigned realized that she had inadvertently failed to include some time that came off the clock in May 2016. Therefore, it appears that without this Motion, the clock would expire in late October 2016.

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CERTIFICATE OF SERVICE

I, Cheryl Oldenburg, Legal Assistant for the United States Attorney's Office for the District of Vermont, do hereby certify that on August 18, 2016 I filed a copy of the foregoing **MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT** with the Clerk of the Court via the CM/ECF system which will send a copy to:
Robert Katims, Esq.

Dated and signed at Burlington, Vermont this 18th day of August, 2016.

By: */s/ Cheryl Oldenburg*
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